

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIMMIE LEE RILEY,

Plaintiff,

Case No. 1:05-cv-269

v.

Hon. Wendell A. Miles

UNKNOWN KURTZ,

Defendant.

ORDER

Consistent with the Opinion filed this day, Defendant Kurtz's Rule 12(b)(6) Motion for Dismissal or, Alternatively, Rule 56(b) Motion for Summary Judgment, (dkt. #12), is granted. Plaintiff's federal constitutional claims are **dismissed with prejudice**. Plaintiff's state law claims are **dismissed without prejudice**.

IT IS SO ORDERED.

Date: March 30, 2006

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge